

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BEARBOX LLC and AUSTIN STORMS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 21-534-MN-CJB
	)	
LANCIUM LLC, MICHAEL T.	)	<b>PUBLIC VERSION</b>
MCNAMARA, and RAYMOND E. CLINE,	)	
JR.	)	
	)	
Defendants.	)	

**DECLARATION OF ADAM M. KAUFMANN IN SUPPORT OF  
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

I, Adam M. Kaufmann, under the penalties for perjury states:

1. I have personal knowledge of the facts set forth in this Declaration; I am competent to testify as to all matters stated in this Declaration; and, I am not under any legal disability that would preclude me from testifying. If called upon to do so, I would testify to the facts set forth in this Declaration.

2. I am a partner at the law firm Barnes & Thornburg LLP, counsel of record for Defendants Lancium LLC, Michael T. McNamara, and Raymond E. Cline, Jr. (collectively, “Defendants”) in the above-captioned case. I am licensed in the State of Illinois and admitted *pro hac vice* to practice before this Court. I submit this declaration in support of Defendants’ Motion for Summary Judgment.

3. Attached to this Declaration as Exhibit 1 is a true and correct copy of the Expert Report of Frank McCamant, dated April 5, 2022.

4. Attached to this Declaration as Exhibit 2 is a true and correct copy of the Reply Report of Frank McCamant, dated May 19, 2022.

5. Attached to this Declaration as Exhibit 3 is a true and correct copy of the Expert Report of Dr. Stan McClellan, dated April 5, 2022.

6. Attached to this Declaration as Exhibit 4 is a true and correct copy of the Reply Expert Report of Dr. Stan McClellan, dated May 20, 2022.

7. Attached to this Declaration as Exhibit 5 is a true and correct copy of excerpts from the Deposition Transcript of Stanley A. McClellan.

8. Attached to this Declaration as Exhibit 6 is a true and correct copy of excerpts from the Ercot Market Mechanisms Report prepared by Shams Siddiqi, Ph.D., dated May 6, 2022.

9. Attached to this Declaration as Exhibit 7 is a true and correct copy of excerpts from the Deposition Transcript of Austin Storms.

10. Attached to this Declaration as Exhibit 8 is a true and correct copy of the Confidentiality Agreement between BearBox, LLC and Glidepath Development LLC dated December 10, 2018, produced by BearBox in this case with Bates numbers BB10000736 – BB10000741.

11. Attached to this Declaration as Exhibit 9 is a true and correct copy of an email and its attachments sent by Austin Storms to todd@buysellads.com on May 3, 2019, produced by BearBox in this case with Bates numbers BB00000911 – BB00000923.

12. Attached to this Declaration as Exhibit 10 is a true and correct copy of an email and its attachments sent by Austin Storms to Michael McNamara on May 9, 2019, produced by BearBox in this case with Bates numbers BB00000090 – BB00000097

13. Attached to this Declaration as Exhibit 11 is a true and correct copy of a printout of BearBox Twitter account tweets, produced by BearBox in this case with Bates numbers BB00000717 – BB00000731.

14. Attached to this Declaration as Exhibit 12 is a true and correct copy of International Publication No. WO 2019/139632 A1, produced by Lancium in this case with Bates numbers LANCIUM000000050 - LANCIUM000000093.

15. Attached to this Declaration as Exhibit 13 is a true and correct copy of U.S. Patent No. 11,016,456, produced by Lancium in this case with Bates numbers LANCIUM00013636 – LANCIUM00013658.

16. Attached to this Declaration as Exhibit 14 is a true and correct copy of an email sent by Michael McNamara to Eric Kutscha, Jon Cohen and Raymond Cline on May 9, 2019, produced by Lancium in this case with Bates numbers LANCIUM00014645. This exhibit does not include the documents that were attached to the email.

17. Attached to this Declaration as Exhibit 15 is a true and correct copy of excerpts from the file history of U.S. Patent 10,608,433, produced by BearBox in this case with Bates numbers BB00000319 - BB00000667.

18. Attached to this Declaration as Exhibit 16 is a true and correct copy of excerpts from production of text message between Austin Storms and Ben Hakes dated between 12/5/2018 – 4/28/2021, produced by BearBox in this case with Bates numbers BB10003955 – BB10004026.

19. Attached to this Declaration as Exhibit 17 is a true and correct copy of U.S. Patent No. 10,608,433.

20. Attached to this Declaration as Exhibit 18 is a true and correct copy of a production of text messages between Austin Storms and Michael McNamara dated between 5/4/2019 – 5/9/2019, produced by BearBox in this case with Bates numbers BB10004959 – BB10004961.

21. Attached to this Declaration as Exhibit 19 is a true and correct copy of the Complaint in Case No. 6:20-cv-00739-ADA filed by Lancium LLC against Layer1 Technologies,

Inc. in the Western District of Texas on August 14, 2020, produced by Lancium in this case with Bates numbers LANCIUM00016546 – LANCIUM00016554.

22. Attached to this Declaration as Exhibit 20 is a true and correct copy of excerpts from Plaintiffs' Supplemental Objections and Responses to Defendants' First Set of Interrogatories (Nos. 1-9), dated November 9, 2021.

23. Attached to this Declaration as Exhibit 21 is a true and correct copy of excerpts from Defendants' Second Set of Supplemental Response to Plaintiffs' Interrogatory No. 3, dated December 23, 2021.

24. Attached to this Declaration as Exhibit 22 is a true and correct copy of excerpts from the transcript of the April 22, 2022 hearing in the above-captioned lawsuit.

25. Attached to this Declaration as Exhibit 23 is a true and correct copy of excerpts from Plaintiffs' Objections and Responses to Defendants' First Set of Requests For Admission (Nos. 1-33), dated November 22, 2021

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 15, 2022

**Public Version filed on June 29, 2022**



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Adam Kaufmann